

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
v.
Francisco Javier Araiza-Plaza,
a.k.a.: Alfredo Araiza-Plaza,
(A206 462 359)
Defendant

Case No. 17-9372 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 20, 2016, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Francisco Javier Araiza-Plaza, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Luis, Arizona, on or about January 30, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brandon Brown

☒ Continued on the attached sheet.


Complainant's signature

Salvador Delgado II,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: August 29, 2017


Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Salvador Delgado II, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 20, 2016, Francisco Javier Araiza-Plaza was booked him into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Araiza-Plaza was examined by Deportation Officer C. Payne who determined Araiza-Plaza to be a Mexican citizen, unlawfully present in the United States. On the same date, an immigration detainer was lodged with the county jail. On August 28, 2017, Araiza-Plaza was released from the Arizona Department of Corrections and transported to the Florence ICE office for further investigation and processing. Araiza-Plaza was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Francisco Javier Araiza-Plaza to be a citizen of Mexico and a previously deported criminal alien. Araiza-Plaza was removed from the United States to Mexico through San Luis, Arizona, on or about January 30, 2015, pursuant to an order of removal issued by an immigration official. There is no record of Araiza-Plaza in any Department of Homeland Security database to suggest that he

obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Francisco Javier Araiza-Plaza's immigration history was matched to him by electronic fingerprint comparison.

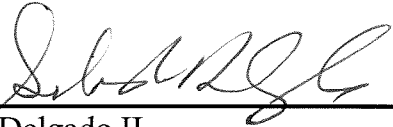
4. On August 28, 2017, Francisco Javier Araiza-Plaza was advised of his constitutional rights. Araiza-Plaza freely and willingly acknowledged his rights and agreed to provide a statement under oath. Araiza-Plaza stated that his true and complete name is Francisco Javier Araiza-Plaza and that he is a citizen of Mexico. Araiza-Plaza stated that he illegally entered the United States at or near Sonora, on October 19, 2016, without inspection by an immigration officer. Francisco Javier Araiza-Plaza further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about October 20, 2016, Francisco Javier Araiza-Plaza, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United

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States at or near San Luis, Arizona, on or about January 30, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Salvador Delgado II,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 29th day of August, 2017.



Eileen S. Willett,
United States Magistrate Judge